

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LESTER MARQUEZ,

Petitioner,

- v. -

UNITED STATES OF AMERICA,

Respondent.

ORDER
08-cr-594 (NG)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 13 2017 ★

BROOKLYN OFFICE

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GERSHON, United States District Judge:

Defendant Lester Marquez moves for resentencing pursuant to 18 U.S.C. § 3582(c)(2) based upon an amendment, Number 782, to Sentencing Guideline 2D1.1 which reduces the base offense levels applicable in drug cases such as this. The government recognizes the applicability of the amendment and consents to a limited resentencing.

The defendant's Criminal History category was, and remains, II. His base offense level was 34, but under the amendment becomes 32. However, the adjustments applicable at the original sentence remain applicable. Thus, I add four levels for his leadership role and subtract three levels for his acceptance of responsibility, yielding an adjusted offense level of 33. Applying the sentencing factors set forth in 18 U.S.C. § 3553(a), I see no reason not to again sentence him at the bottom of the applicable guideline range, which is now 151-188 months.

The defendant's motion is granted and he is hereby resentenced to 151 months in custody, with all other sentencing provisions set forth in the Judgment of Conviction to remain the same. The Clerk of Court is directed to prepare an Amended Judgment of Conviction in accordance with this order.

SO ORDERED.

/s/ *Nina Gershon*

NINA GERSHON
United States District Judge

Dated: April 12, 2017
Brooklyn, New York